

EXHIBIT M

FILED UNDER SEAL

9 -AND-

0 GOOGLE LLC,

1 Plaintiff,

2 vs. Case No. 3:20-CV-06754-WHA

3 SONOS, INC.,

4 Defendant.

15 **ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL**

ATTORNEYS EYES ONLY - SOURCE CODE

18 ZOOM DEPOSITION OF GOOGLE's 30(b)(6) & 30(b)(1)
19 KENNETH J. MACKAY
20 (Reported Remotely via Video & Web Videoconference)
21 Sunnyvale, California (Deponent's location)
22 Tuesday, May 10, 2022
23 STENOGRAPHICALLY REPORTED BY:
24 REBECCA L. ROMANO, RPR, CSR, CCR
California CSR No. 12546
Nevada CCR No. 827
Oregon CSR No. 20-0466
Washington CCR No. 3491
JOB NO. 5229656
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| | |
|---|--|
| 1 MR. KAPLAN: Object to form. 04:58:06 | 1 either way, I suppose, because dynamic groups you 05:01:49 |
| 2 THE DEPONENT: So we were told -- we were 04:58:22 | 2 explicitly select which devices are playing the 05:02:02 |
| 3 given a set of requirements where multiple devices 04:58:22 | 3 content. |
| 4 should play out audio within some tolerance, and 04:58:22 | 4 Q. But you're saying that the -- with the |
| 5 then we -- or basically I created a design to 04:58:22 | 5 dynamic group, the drawback is that you have to 05:02:02 |
| 6 achieve that. 04:58:22 | 6 create it at the time? |
| 7 Q. (By Mr. Shea) And we talked earlier 04:58:45 | 7 MR. KAPLAN: Object to form. |
| 8 about the distinction between static groups and 04:58:45 | 8 THE DEPONENT: Yeah. So the -- the |
| 9 dynamic groups. 04:58:45 | 9 drawback of a static group would be that the user |
| 10 Did the requirements that you were given 04:58:45 | 10 has to create it ahead of time. So the user would 05:02:15 |
| 11 provide any specificity as to which of those types 04:58:45 | 11 need to know what they want to do before they do |
| 12 of groups should be used? 04:58:45 | 12 it, I guess. |
| 13 MR. KAPLAN: Object to form. | 13 But then the disadvantage of the dynamic |
| 14 THE DEPONENT: So -- no, I don't recall 04:59:07 | 14 group is that the user has to take an action every |
| 15 the requirements mentioning that aspect. 04:59:07 | 15 time as they're playing, I suppose, which might -- 05:02:34 |
| 16 Q. (By Mr. Shea) Do you recall then why you 04:59:07 | 16 yeah, I -- I don't know. It's kind of a trade-off, |
| 17 decided to implement it, in at least the initial 04:59:07 | 17 I suppose. |
| 18 version of the speaker group technology, the groups 04:59:07 | 18 Q. (By Mr. Shea) And when you say "take an |
| 19 as static as opposed to dynamic groups? 04:59:07 | 19 action every time" -- |
| 20 A. As I recall, we were trying to be 04:59:33 | 20 A. So they'd have to explicitly select -- 05:02:54 |
| 21 compatible with the existing Cast ecosystem. 04:59:33 | 21 MR. KAPLAN: Object to form. |
| 22 Q. What was it about static groups that at 04:59:33 | 22 Go ahead. |
| 23 the time made them more compatible with the Cast 04:59:33 | 23 THE DEPONENT: Okay. They have to |
| 24 ecosystem than dynamic groups? 04:59:33 | 24 explicitly select the devices instead of targeting |
| 25 MR. KAPLAN: Object to form. 04:59:56 | 25 to a named group. 05:03:08 |
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| 1 THE DEPONENT: It allowed the group to 04:59:57 | 1 Q. (By Mr. Shea) Other than those relative 05:03:14 |
| 2 advertise itself over mDNS, or I guess the leader 04:59:57 | 2 advantages and disadvantages, can you think of any |
| 3 of the group to advertise the group over mDNS, as 04:59:57 | 3 other -- or at least, in your mind, are there any |
| 4 a -- as a Cast device, and existing sender apps 04:59:57 | 4 other advantages or disadvantages to static groups |
| 5 would be able to use that as a Cast target. 05:00:18 | 5 versus dynamic groups? 05:03:26 |
| 6 Q. (By Mr. Shea) Are -- in your view, are 05:00:18 | 6 A. Not. Well, yeah, not really. Well, |
| 7 there advantages over that implementation relative 05:00:18 | 7 yeah, not really. There might be some minor |
| 8 to a dynamic group implementation where the group 05:00:18 | 8 advantage to static groups in terms of -- because |
| 9 would not be advertised? 05:00:18 | 9 we do time synchronization all the time, the static |
| 10 MR. KAPLAN: Objection. Calls for 05:00:41 | 10 group might have slightly better time 05:03:50 |
| 11 speculation. 05:00:41 | 11 synchronization when playback begins. |
| 12 THE DEPONENT: I would say there are 05:00:41 | 12 Q. Because you're saying at -- at the time |
| 13 advantages and disadvantages. 05:00:41 | 13 that that -- the static group is first launched, |
| 14 Q. (By Mr. Shea) So maybe we can start with 05:00:55 | 14 there is already some understanding of the clock |
| 15 the advantages. 05:00:55 | 15 offset between the follower and the leader? 05:04:10 |
| 16 Can you tell me what you view to be the 05:00:55 | 16 A. There can be, yes. Although we have |
| 17 advantages of -- of static over dynamics groups? 05:00:55 | 17 implemented for dynamic groups some fallback |
| 18 A. So one advantage might be that the group 05:01:19 | 18 mechanism that works similarly. |
| 19 is available as a Cast target separately from the 05:01:19 | 19 So, yeah, I don't know. I think that's |
| 20 individual devices. 05:01:19 | 20 kind of a -- maybe not that big of a difference. 05:04:27 |
| 21 Q. And could you help me understand why you 05:01:19 | 21 Q. Okay. Anything else on that point you |
| 22 view that to be an advantage. 05:01:19 | 22 can think of, sitting here, Mr. MacKay? |
| 23 A. It might make it easier for users to -- 05:01:19 | 23 MR. KAPLAN: Object to form. |
| 24 to target their content. 05:01:19 | 24 THE DEPONENT: Not that I can think of. |
| 25 I don't know. I mean, you could see it 05:01:47 | 25 Q. (By Mr. Shea) When you were designing 05:04:47 |
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